

REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 7, 11, 16 and 29 have been amended. Support for the claim amendments may be found in the specification and claims as originally filed. For example, support for the claim amendments may be found in the present specification at least at page 43, lines 1-6 and lines 12-20. No new matter has been added.

Claims 1-6, 14-15, 19, 21-28 and 30-40 have been canceled as being drawn to non-elected claims. Claims 10 and 20 have been canceled without prejudice or disclaimer.

Upon entry of this amendment, claims 7-9, 11-13, 16-18 and 29 are pending, with claims 7, 16 and 29 being independent.

Applicants thank Examiner Bui for the courtesies extended to applicants' representative, Mr. Sung Kim, during a personal interview conducted on April 2, 2008. The substance of the interview is incorporated in the following remarks.

1. Rejections Under 35 U.S.C. §103

The Office Action rejects claims 7-13, 16-18 and 29 under 35 U.S.C. §103(a) as being unpatentable over Hansen et al. (U.S. Patent Pub. No. 2002/0038456) in view of Dougherty et al. (U.S. Patent 7,028,327). Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action on page 3 concedes that Hansen et al does not focus its technique in a large scale for broadcast television, but suggests that its technique can be used in other systems such as an interactive television system (citing paragraph 18). Additionally, the Office Action asserts that Dougherty et al. teaches an interactive television system with further details on program guide EPG in scheduling TV listings via TV broadcast media (citing col. 1, lines 24-40 and col. 4, lines 8-32).

Hansen et al. is directed to the capture of video clips, still images and other media to support the aggregation of video information to populate special-interest channels known as

Type of Response: Amendment
Application Number: 09/903,973
Attorney Docket Number: 164052.02
Filing Date: July 12, 2001

microchannels using the Internet (see paragraph 26; Figure 2). The system is capable of detecting specific content that is of interest to the viewing audience of a specific microchannel, wherein the detection of the interesting content triggers the system to capture the content. Hansen et al. teaches that its system is well suited for use in connecting Internet users as well as users of other network communication systems such as an intranet, an interactive television system, and similar interactive communication systems (see paragraph 18). However, as discussed during the interview, communicating media content over an intranet or interactive television system is not the same as communicating media content over a broadcast television system.

Additionally, as discussed during the interview, Hansen et al. specifically contrasts microchannels from broadcast channels (see paragraph 6 and 7). For example, microchannels provide video that cater to very specific viewer interests, while broadcast channels are intended for a widespread audience. One of the objectives for the system in Hansen et al. appears to be to specifically target video content towards a microchannel audience in an economically viable way, since the production budgets associated with microchannels are relatively small due to the limited size of the microchannel audience. This is in stark contrast to the larger production budgets associated with broadcast channels. Therefore, the system disclosed in Hansen et al. specifically relates to the capture and distribution of media content to be used in a microchannel stream for very specific audiences, but is not applicable to broadcast television. In fact, Hansen et al. teaches away from broadcast television systems due to their large production budgets and widespread audiences.

As a result, Hansen et al. fails to teach or suggest at least the elements of a method for presenting enhanced broadcast television programming comprising receiving a schedule for a plurality of broadcast television listings, as included in independent claim 7. Similarly, Hansen et al. fails to disclose or suggest at least the elements of a client system for receiving a broadcast television navigation service comprising means for receiving broadcast television programming, as included in independent claim 16. Hansen et al. also fails to disclose or suggest at least the elements of a method for delivering enhanced broadcast television programming data comprising

Type of Response: Amendment
Application Number: 09/903,973
Attorney Docket Number: 164052.02
Filing Date: July 12, 2001

receiving a schedule for a plurality of broadcast television listings, each of the plurality of television listings including a unique event identifier, as included in independent claim 29.

Dougherty et al. discloses an electronic program guide (EPG) in a broadcast system used to determine what broadcast program is on a given channel at a given time in a given location (see abstract). However, even if Dougherty et al. discloses broadcast television, the system disclosed in Hansen et al. is specifically directed to microchannels, and is not applicable to broadcast television, as discussed above. Therefore, as discussed during the interview, modifying the system in Hansen et al. to process broadcast television listings would render the system in Hansen et al. unsatisfactory for its intended purpose (see MPEP 2143.01(V)). As a result, the Office Action fails to establish a prima facie case of obviousness in rejecting independent claims 7, 16 and 29.

Furthermore, the Office Action on page 3 asserts that Hansen et al. discloses presenting a visual cue based on the IP data on a video display and receiving a viewer selection of the visual cue (citing page 5, paragraph 52). Applicants respectfully disagree.

Hansen et al. discloses a capture system which transmits clips of media content captured by the capture system to a distribution system through a computer network (see paragraph 10). One key feature provided by the capture system is the detection of events. The capture system is capable of somehow detecting scene activity and using that scene activity to cue clip capture and transmission to the distribution system (see paragraphs 49-50). Hansen et al. discloses that detecting appearance events through visual cues (such as changes in scene appearance) tends to be prone to either a high false alarm rate or an overall lack of sensitivity (see paragraph 52). Therefore, as discussed during the interview the “visual cues” disclosed in Hansen et al. are used to trigger capture of a video clip by the capture system. However, the visual cues disclosed in Hansen et al. are not actually presented to nor selected by a viewer. Moreover, detecting a visual cue is not the same as presenting a visual cue based on IP data associated with a broadcast television listing.

Therefore, Hansen et al. fails to teach or suggest at least the elements of presenting a visual cue to a viewer based on the IP data on a video display, and receiving a viewer selection

Type of Response: Amendment
Application Number: 09/903,973
Attorney Docket Number: 164052.02
Filing Date: July 12, 2001

of the visual cue, as included in independent claim 7. Independent claims 16 and 29 include similar elements.

Furthermore, as discussed during the interview, Hansen et al. and Dougherty et al., alone or in combination, fail to disclose or suggest at least the elements of presenting a visual cue to the viewer based on the IP data on a video display, wherein the visual cue comprises an active status indicator indicating the status of one or more currently available programs, as included in independent claim 7 as amended. Independent claim 16 includes similar elements.

Furthermore, as discussed during the interview, Hansen et al. and Dougherty et al., alone or in combination, fail to disclose or suggest at least the elements of presenting a visual cue to the user based on the IP data on a display device, wherein the visual cue comprises a real-time event alert informing the user of an action that is about to occur in one or more currently available broadcast television programs, as included in independent claim 29 as amended.

Therefore, since Hansen et al. and Dougherty et al., alone or in combination, do not teach or suggest each and every element of independent claims 7, 16 and 29, these claims are allowable.

Claims 8-9 and 11-13 depend from claim 7. Claims 17-18 depend from claim 16. As discussed above, claims 7 and 16 are allowable. For at least this reason, and the features recited therein, claims 8-9, 11-13 and 17-18 are also allowable.

Since claim 10 has been canceled, the rejection of this claim is rendered moot.

Furthermore, in regards to claim 18, the Office Action on page 5 asserts that Hansen et al. teaches "comprising a digital event identifier; receiving enhanced Internet protocol (IP) data including an event identifier associating the IP data with one of the plurality of television listings; presenting a visual cue based on the IP data on a display device informing a user of an action". However, it appears that the Examiner has misread the elements of claim 18, which recites:

The invention as in claim 16 further comprising a digital video recording apparatus disposed to record one or more of the received broadcast television programming (emphasis added).

Type of Response: Amendment
Application Number: 09/903,973
Attorney Docket Number: 164052.02
Filing Date: July 12, 2001

The Office Action fails to establish a prima facie case showing that the cited references disclose a digital video recording apparatus disposed to record one or more of received broadcast television programming, as included in claim 18.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 7-13, 16-18 and 29 under 35 U.S.C. §103(a) are respectfully requested.

2. Conclusion

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the present application is requested. Based on the foregoing, applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the applicants' attorney at the telephone number listed below.

Type of Response: Amendment
Application Number: 09/903,973
Attorney Docket Number: 164052.02
Filing Date: July 12, 2001

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
Microsoft Corporation

Date: April 8, 2008

By: /Sung T. Kim/

Sung T. Kim, Reg. No.: 45,398
Attorney for Applicant
Direct telephone: (703) 647-6574
Microsoft Corporation
One Microsoft Way
Redmond WA 98052-6399

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

April 8, 2008
Date

/Noemi Tovar/
Noemi Tovar

Type of Response: Amendment
Application Number: 09/903,973
Attorney Docket Number: 164052.02
Filing Date: July 12, 2001